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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,918

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757 7590 10/16/2008  
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EXAMINER

ENGLISH, JAMES A

ART UNIT

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4155

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/570,918	<b>Applicant(s)</b> HELBIG ET AL.	
	<b>Examiner</b> James English	<b>Art Unit</b> 4155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/03/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz (US Publication No. 2002/0149179 A1) in view of Ohmiya (US Patent No. 6,250,669 B1).

Consider claim 1, Holtz discloses a dashboard (12) having a cavity (14) to contain an airbag apparatus (10) that includes an inflator system (16) secured to the bottom surface (18) of the dashboard (12). (Figs. 1 and 2, page 2, paragraph 29, lines 2-5.) This is analogous to a hollow space ("cavity" – 14) for accommodation of the gas generator ("inflator system" – 16) and the airbag. Holtz further discloses an egress aperture (22) covered by an airbag cover (26), which is configured to cover the egress aperture (22) and retain its position until deployment and inflation of the airbag (20). (Figs. 1 and 2, page 2, paragraph 30, lines 3-6.) Holtz further discloses a first (36) and second (52) anchor secured to the dashboard (14). This is analogous to the housing further having a main housing structure ("first and second anchor" – 36 and 52) and a housing cover ("airbag cover" – 26) connected with the main housing facing the vehicle occupants when installed. Holtz further discloses a retaining hinge leg (44) having clip springs (62) with each extending into a corresponding clip hole (60) and when the

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airbag (20) is deployed, the clip springs (62) allow for some pivotal movement of the retaining hinge leg (44) relative to the protruding member (54). (Figs. 1 and 2, page 3, paragraph 41, lines 5-7 and 12-14.) This is analogous to a hinge material weakness ("clip hole" – 60) defining a hinge ("hinge leg" – 44) for the opening of the cover upon the deployment. Holtz further discloses a retaining hinge leg (44) further includes apertures (64) which control and redirect energy from the connection (66) of the retaining hinge leg (44) and panel member (27). (Figs. 1-3, page 3, paragraph 42, lines 1-6.) This is analogous to the housing cover additionally connected with the main housing structure by means of one or more perforations ("apertures" - 64). Holtz discloses a tear seam (38) configured as a notch opening away from the airbag (20) that facilitates the break of the hinge leg (28) as the airbag strikes the hinge leg (28). (Figs. 1 and 2, page 3, paragraph 35, lines 7-10.) This is analogous to the main housing inner side forming at least one side edge material weakness ("tear seam" – 38) and the side edge and hinge material weakness being invisible as viewed from the side of the housing cover facing the vehicle occupant (Fig. 1). Holtz does not disclose the side edge as defining an edge of the cover. Ohmiya teaches of a thin wall portion (51) formed at a base end position between the general plate portion (32A) of the door insert (32) and the protrusions (50). (Figs. 1 and 2, column 7, lines 24-27.) This is analogous to the side edge ("thin wall portion" - 51) defining an edge of the cover ("door insert" – 32) which can be torn open upon deployment of the airbag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

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invention of Holtz to have the side edge define an edge of the cover as described in Ohmiya to optimize airbag deployment.

Consider claims 2-4, Holtz discloses apertures (64) that control and redirect energy from the connection (66) of the retaining hinge leg (44) and panel member (27). (Figs. 1-3, page 3, paragraph 42, lines 1-6.) This is analogous to the perforation ("apertures" - 64) formed on a part of the housing not visible to the vehicle occupants when installed (Fig. 5). This is also analogous to the axis of the tear line of perforation orientated generally parallel to the vertical axis of the vehicle (Figs. 1-5) and formed on a vehicle body side housing section of the housing (Figs. 1 and 5).

Consider claim 6, Holtz discloses in Figs. 1 and 2 that the housing cover (26) overlaps the perforations ("apertures" – 64).

Consider claim 7, Holtz discloses apertures (64) that control and redirect energy from the connection (66) of the retaining hinge leg (44) and panel member (27). (Figs. 1-3, page 3, paragraph 42, lines 1-6.) Holtz further discloses a retaining hinge leg (44) that includes clip springs (62) which extend into a corresponding clip hole (60) and when the airbag (20) is deployed, the clip springs (62) allow for some pivotal movement of the retaining hinge leg (44) relative to the protruding member (54). (Figs. 1 and 2, page 3, paragraph 41, lines 5-7 and 12-14.) This is analogous to the perforation ("apertures" – 64) and at least one material weakness ("clip hole" – 60) arranged generally vertically to one another.

Consider claim 8, Holtz discloses clip springs (62) that allow for pivotal movement of the retaining hinge leg (44) relative to the protruding member (54). (Figs.

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1 and 2, page 3, paragraph 41, lines 5-7 and 12-14.) Holtz further discloses that the present invention may also be used with air bag covers for side air bags. (Page 2, paragraph 28, lines 3-5.) Using this airbag cover in a side airbag application would make the hinge material weakness ("clip hole" – 60) formed on the inner side of the housing cover, close and parallel to an axis of rotation of the housing cover (26) upon deployment.

Consider claim 9, Holtz discloses that the apertures (64) increase the stretch capability of the retaining hinge leg (44) and thereby resist tearing. (Page 3, paragraph 42, lines 18-21.) This is analogous to the hinge material weakness ("clip hole" – 60) formed so that the housing cover (26) does not tear open there (Fig. 3).

Consider claim 10, Holtz discloses that the airbag cover (26) may be formed of a molded plastic material (Page 2, paragraph 31, lines 1-2).

Consider claim 11, Holtz discloses that although the present invention may also be used with air bag covers for side air bags. (Page 2, paragraph 28, lines 3-5.)

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz (US Publication No. 2002/0149179 A1) and Ohmiya (US Patent No. 6,250,669 B1) as applied to claim 1 above, and further in view of Hlywka et al. (US Patent 5,961,143).

4. Consider claim 5, Holtz does not disclose a connection between a vehicle body side housing section and the housing cover of the housing wherein the connection fails upon deployment of the airbag. Hlywka et al. teaches of a tear seam (32) formed in the skin (26) to a prescribed pattern by partially perforated holes (40) formed to an equal depth and formed to be equally spaced such that the outer thickness (26c) of the skin

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(26) that overlies the holes (40) has no read through to the occupants. (Figs. 3 and 4b, column 6, lines 1-5.) This is analogous to one or more perforations (40) formed between bridges ("equally spaced"), which create a connection between a vehicle body side housing section and the housing cover of the housing and wherein the connection fails upon deployment of the airbag causing the cover to tear away from the main housing as the cover tears at the side edge material weaknesses and hinges about the hinge material weakness. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Holtz to have perforated holes at the connection between the airbag cover (26 in Holtz) and the hinge leg (28) with the tear seam (38) and the connection fails upon deployment of the airbag causing the cover to tear away from the main housing as the cover tears at the side edge material weaknesses as described in Hlywka et al. to optimize airbag deployment.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference Yamamoto et al. (US Patent 6,443,482 B2) discloses an airbag apparatus with a hinged door and a material weakness (22) at the end surface of the cover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Thursday, 7:00 - 5:30 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. E./

/James English/  
Examiner, Art Unit 4155

/Thu Nguyen/  
Supervisory Patent Examiner, Art Unit 4155